

Senate Study Bill 1157

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
LABOR AND BUSINESS
RELATIONS BILL BY
CHAIRPERSON DEARDEN)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act concerning work-related injuries suffered and claims made
2 outside of this state.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2062XC 82
5 av/gg/14

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1 1 Section 1. Section 85.71, Code 2007, is amended to read as
1 2 follows:

1 3 85.71 INJURY OUTSIDE OF STATE.

1 4 If an employee, while working outside the territorial
1 5 limits of this state, suffers an injury on account of which
1 6 the employee, or in the event of death, the employee's
1 7 dependents, would have been entitled to the benefits provided
1 8 by this chapter had such injury occurred within this state,
1 9 such employee, or in the event of death resulting from such
1 10 injury, the employee's dependents, shall be entitled to the
1 11 benefits provided by this chapter, if at the time of such
1 12 injury any of the following is applicable:

1 13 1. ~~The employment is principally localized in this state,~~
~~1 14 that is, the employee's employer has a place of business in~~
1 15 ~~this or some other state and the employee regularly works in~~
~~1 16 this state, or if the employee's employer has a at or from~~
1 17 ~~that place of business in this state and the employee is~~
~~1 18 domiciled in this state.~~

1 19 2. ~~The employee is working under a contract of hire made~~
~~1 20 in this state in employment not principally localized in any~~
~~1 21 state and the employee spends a substantial part of the~~
~~1 22 employee's working time working for the employer has a place~~
1 23 of business in this state and the employee is domiciled in
1 24 this state.

1 25 3. ~~The employee is working under a contract of hire made~~
~~1 26 in this state in employment principally localized in another~~
~~1 27 state, whose workers' compensation law is not applicable to~~
~~1 28 the employee's employer and the employee regularly works in~~
1 29 this state.

1 30 4. The employee is working under a contract of hire made
1 31 in this state and sustains an injury for which no remedy is
1 32 available under the workers' compensation laws of another
1 33 state.

1 34 ~~4.~~ 5. The employee is working under a contract of hire
1 35 made in this state for employment outside the United States.

2 1 ~~5.~~ 6. The employer has a place of business in Iowa, and
2 2 the employee is working under a contract of hire which
2 3 provides that the employee's workers' compensation claims be
2 4 governed by Iowa law.

2 5 This section shall be construed to confer personal
2 6 jurisdiction over an employee or employer to whom the section
2 7 is applicable.

2 8 Sec. 2. Section 85.72, Code 2007, is amended to read as
2 9 follows:

2 10 85.72 CLAIMS FOR BENEFITS MADE OUTSIDE OF STATE ==
2 11 RESTRICTIONS == CREDIT.

2 12 1. An employee, or an employee's dependents, shall not be
2 13 entitled to benefits under this chapter if the employee or the
2 14 employee's dependents have initiated a judicial proceeding or
2 15 a contested case or other similar proceeding for the same
2 16 injury, disability, or death pursuant to the laws of another
2 17 state or country concerning workers' compensation, and the

2 18 employee or the employee's dependents receive benefits
2 19 following final resolution of the proceeding pursuant to a
2 20 settlement, judgment, or award.
2 21 ~~2. If an employee, or an employee's dependents, initiate a
2 22 judicial proceeding or a contested case or other similar
2 23 proceeding for benefits pursuant to the laws of another state
2 24 or country concerning workers' compensation, any proceeding
2 25 initiated by an employee, or an employee's dependents, for
2 26 workers' compensation benefits under this chapter for the same
2 27 injury, disability, or death shall be stayed, without
2 28 prejudice, pending resolution of the out-of-state claim for
2 29 benefits.~~

2 30 ~~3. 2. If benefits are paid under this chapter and were
2 31 payable, at any time, for the same injury, disability, or
2 32 death pursuant to the laws of another state or country
2 33 concerning workers' compensation, the employer shall have a
2 34 credit toward the benefits payable under this chapter for any
2 35 benefits paid in another state or country. Benefits paid in
3 1 another state or country constitute weekly compensation
3 2 benefits for the purposes of sections 85.26 and 86.13.~~

3 3 EXPLANATION

3 4 This bill concerns work-related injuries suffered and
3 5 claims made outside of this state.

3 6 Code section 85.71 is amended to allow workers'
3 7 compensation claims to be made in this state for injuries
3 8 suffered by an employee while working outside the state when:
3 9 (1) the employer has a place of business in this state and the
3 10 employee regularly works at or from that place of business;
3 11 (2) the employer has a place of business in this state and the
3 12 employee is domiciled in this state; (3) the employee is
3 13 working under a contract of hire made in this state and
3 14 sustains an injury for which no remedy is available under the
3 15 workers' compensation laws of another state; (4) the employee
3 16 is working under a contract of hire made in this state for
3 17 employment outside the United States; and (5) the employer has
3 18 a place of business in Iowa, and the employee is working under
3 19 a contract of hire which provides that the employee's workers'
3 20 compensation claims be governed by Iowa law. The bill also
3 21 provides that this section shall be construed to confer
3 22 personal jurisdiction over an employee or employer to whom the
3 23 section is applicable.

3 24 Code section 85.72 is amended to delete a provision that
3 25 required workers' compensation proceedings to be stayed in
3 26 this state pending resolution of such claims made in another
3 27 state or country. The bill also provides that workers'
3 28 compensation benefits paid in another state or country
3 29 constitute weekly compensation benefits for the purposes of
3 30 Code section 85.26, concerning limitation of actions, and Code
3 31 section 86.13, concerning compensation payments.

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3 33 av:nh/gg/14